

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6732

BILL NUMBER: SB 225

NOTE PREPARED: Feb 13, 2003

BILL AMENDED:

SUBJECT: Electronic Monitoring of Sex Offenders.

FIRST AUTHOR: Sen. Long

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill has the following provisions:

- (A) It provides that a sex offender may be placed on home detention only if the offender is subject to 24-hour supervision.
- (B) It specifies that the offender's duty to register arises as of the date that the offender is released from confinement, is placed on probation, or is otherwise required to register.
- (C) It makes conforming amendments.

Effective Date: July 1, 2003.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: Under current law, offenders who are sentenced for sex crimes ranging from rape to criminal deviate conduct to child molestation are eligible for probation for either the entire or a portion of the sentence. Whether these offenders can be directly sentenced to probation or some form of community correction depends on the severity of the offense and the availability of programs in the community. While sex offenders can serve the whole or a portion of the sentence under probation, they are not currently permitted to be sentenced to home detention.

This bill would permit sex offenders to be placed on home detention if these offenders can be monitored 24 hours per day. Few counties appear to have the existing capacity to monitor sex offenders on a 24-hour basis.

Background: The following table compares the number of sex offenders who have been released from the Department of Correction (DOC) to various types of supervision between CY 1997 and 2001.

Total Number of Sex Offenders Released By Type of Discharge By Calendar Year, 1997 through 2001.						
Type of Supervision	1997	1998	1999	2000	2001*	pct. **
Probation	247	286	274	301	321	30%
Parole	57	156	263	276	379	565%
Community Transition Program	0	0	0	9	0	
Other Jurisdiction	1	1	1	4	0	
Discharge	29	32	31	59	64	121%
Other Release Type	<u>11</u>	<u>8</u>	<u>10</u>	<u>12</u>	<u>12</u>	<u>9%</u>
Total Sex Offenders Released	<u>345</u>	<u>483</u>	<u>579</u>	<u>661</u>	<u>776</u>	<u>125%</u>
<i>* CY 2001 releases are annualized based on data between January and October 2001</i>						
<i>** Percentage change between 1997 and 2001.</i>						

The types of sex crimes of offenders who have been released onto probation are shown in the following table.

Offenders Released on Probation By Calendar Year, 1997 through 2001						
Description	Code Cite	1997	1998	1999	2000	2001*
Rape	IC 35-42-4-1	20	21	28	28	24
Criminal Deviate Conduct	IC 35-42-4-2	6	19	13	13	22
Child Molesting	IC 35-42-4-3	184	195	173	176	170
Child Exploitation, Child Pornography	IC 35-42-4-4	2	1	0	1	2
Vicarious Sexual Gratification	IC 35-42-4-5	0	3	1	3	2
Child Solicitation	IC 35-42-4-6	1	2	4	2	4
Child Seduction	IC 35-42-4-7	0	1	1	1	1
Sexual Battery	IC 35-42-4-8	10	23	13	34	30
Sexual Misconduct with a Minor	IC 35-42-4-9	1	6	7	7	22
Incest	IC 35-46-1-3	2	3	8	5	5
Kidnaping	IC 35-42-3-2	1	1	2	1	2
Criminal Confinement	IC 35-42-3-3	<u>20</u>	<u>11</u>	<u>24</u>	<u>30</u>	<u>37</u>
Total Number of Offenders Released on Probation		<u>247</u>	<u>286</u>	<u>274</u>	<u>301</u>	<u>321</u>
<i>* CY 2001 releases are annualized based on data between January and October, 2001</i>						

Explanation of Local Revenues: Offenders who are on home detention may also be charged additional home detention fees as well as any probation user fee. (IC 35-38-2.5-6)

State Agencies Affected:

Local Agencies Affected: Probation departments.

Information Sources: Department of Correction.

Fiscal Analyst: Mark Goodpaster, 317-232-9852